

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JIM and BRENDA POTTER,  
husband and wife,

Plaintiff,

vs.

NATIONAL CREDIT SERVICES  
INC.,

Defendant.

No. CV-05-006-JLQ

ORDER OF DISMISSAL  
WITHOUT PREJUDICE

BEFORE THE COURT is Plaintiff's complaint (Ct. Rec. 1) filed on January 11, 2005. Plaintiff is represented by **Timothy Durkop**. The court file does not indicate that the complaint has been served. Pursuant to Federal Rule of Civil Procedure 4(m), if service of the summons and complaint is not made within 120 days of the filing of the complaint, the court, after giving notice to the plaintiff, shall dismiss the action without prejudice or direct that service be effected within a specified time. Plaintiff's 120 days in which to effect service expired on May 11, 2005.

On May 19, 2005, this court issued to Plaintiff an Order to Show Cause (Ct. Rec. 2) why this action should not be dismissed. Plaintiff was directed to file a declaration demonstrating good cause or proof of service on or before June 3, 2005. As of June 6, 2005, no response has been filed.

**IT IS HEREBY ORDERED:**

1. Plaintiff's action is **DISMISSED** without prejudice.
2. The Clerk shall enter a judgment of dismissal without prejudice and close the file.

**IT IS SO ORDERED.** The Clerk is hereby directed to enter this Order and Judgment of dismissal without prejudice and furnish a copy to counsel.

DATED this 6th day of June, 2005.

s/ Justin L. Quackenbush  
JUSTIN L. QUACKENBUSH  
SENIOR UNITED STATES DISTRICT JUDGE